

REMARKS

Introduction

Claims 1-17, 19-23, 25-74, and 77-98 are pending in the present application. In view of the following remarks, it is respectfully submitted that claims 1-17, 19-23, 25-74, and 77-98 are allowable. Reconsideration of the present application is requested.

Rejection of Claims 1-17, 19-23, 25-74 and 77-98 under 35 U.S.C. § 112 ¶2

Claims 1-17, 19-23, 25-74, and 77-98 were rejected under 35 U.S.C. § 112 ¶2 as being indefinite for having insufficient antecedent basis in the claim for the limitation “wherein the object is displayed in a manner that is independent of a movement of a pointing device.” The claims have been amended to change this limitation to “wherein the object is displayed in a predetermined location relative to the window that is independent of a location of a pointing device.” Support for the amendment can be found in the specification at, for example, pages 28-29, page 32 and figure 5. No change in claim scope is intended. In view of this amendment, the rejection under 35 U.S.C. § 112 ¶2 should be withdrawn.

Rejection of Claims 1-17, 19-23, 25-74 and 77-98 under 35 U.S.C. § 103(a)

Claims 1-17, 19-23, 25-74, and 77-98 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,657,647 to Bright (“Bright”) in view of U.S. Patent No. 6,362,817 to Powers et al. (“Powers”). Applicants respectfully submit that this rejection should be withdrawn in view of the following remarks.

The Bright reference describes a method and system for rendering the text and graphics in an Internet webpage in a particular order. Bright describes identifying the location of a user’s cursor on the screen and rendering first the text and graphic objects closest to the location of the cursor (see, e.g., 2:17-26). Applicants respectfully disagree with the Examiner’s argument that Bright describes “creating an overlay plane including the object”. The section of Bright referenced by the Examiner in support of this

statement (4:11-21) does not describe creating and rendering an overlay plane but rather describes an “object model representation” of the webpage to be rendered. The only use of the word overlay in the Bright reference is in column 3, line 18, but this reference is to a graphic hypertext link, not the overlay plane of the present application. That this is only referring to a graphic hypertext link is confirmed by the HTML code shown below column 4.

The Powers reference describes a system for generating a three-dimensional environment using a plain text file “symbolic map” to define the 3-D environment (see, e.g., 3:42-63). The Powers reference further describes allowing a user to move through the 3-D environment to change viewpoint position and line-of-sight direction (see, e.g., 7:48-64). Applicants respectfully disagree with the examiner that the “pop-up” signs or menus described in Powers (see, e.g., 4:1-40) teach the overlay planes of the present application. As described in Powers, the “pop up” signs and menus are created in the virtual 3-D dimensional space and can be navigated to and around by a user. These “pop ups” are not overlaid on the window of the software application but rather exist in the 3-D virtual space of the application.

In contrast to Bright and Powers, the pending independent claims of the present application (1, 17, 20, 23, 31, 47, 52, 62, 66, 77, 83, 84, 85, 93, 94, 95, 96 and 97) each contain limitations directed to creating an overlay plane or layer including an object to be displayed, and displaying that object by overlaying the plane or layer on the window. As discussed above, neither Bright or Powers teaches creating an overlay plane or layer including an object to be displayed, nor do they teach displaying the object by overlaying the plane or layer.

Thus, for at least the above-discussed reasons, the pending independent claims of the present application are allowable over the combination of Bright and Powers. All of the remaining pending claims are dependent on the independent claims, thus they are allowable for at least the reasons that the independent claims are allowable.

Furthermore, all of the pending claims are allowable because the combination of the rendering of a virtual 3-D space of Powers and the 2-D

rendering of a webpage of Bright is inappropriate. Applicants respectfully disagree with the Examiner's conclusion that one of ordinary skill in the art would be motivated to combine Bright and Powers because Powers explicitly criticizes the 2-D nature of the webpages of Bright (see, e.g., Powers at 2:15-36) and thus teaches away from the combination.

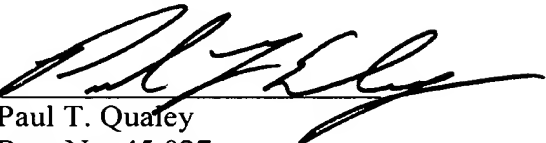
Conclusion

Applicants respectfully submit that all pending claims of the present application are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

The Office is authorized to charge any fees associated with this Amendment to Kenyon & Kenyon LLP Deposit Account No. 11-0600.

Respectfully submitted,

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